



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/452,952	12/02/1999	PAUL J. FREDERICK	A-21599	1975

26694 7590 11/06/2003

VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER

WONG, ALLEN C

ART UNIT	PAPER NUMBER
----------	--------------

2613

24

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/452,952

Applicant(s)

FREDERICK, PAUL J.

Examiner

Allen Wong

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

In light of newly cited art, a new rejection is presented below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-6, 10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews (5,600,368) in view of Papyrus Design Group of the NASCAR video game manual.

Regarding claim 1, Matthews discloses a method for distributing video images of a sporting event comprising the steps of providing a plurality of participants in said event with a video camera (see fig.2; note cameras 42-48 captures images from seven different locations on a baseball field, a sporting event, like camera 42 captures images from the center field position and camera 48 captures images from third base, etc.), providing each of said cameras with a respective transmitter (col.7, lines 13-15; note Matthews teaches that a camera control signal is transmitted via a "communication link"; even though the term "transmitter" is not used but the terms "transmitted" inherently implies that a transmitter must exist for a signal to be transmitted, thus, Matthews must inherently disclose a transmitter for transmitting video information) for transmitting information regarding video images generated by the camera, providing retransmission

Art Unit: 2613

equipment (see fig.4 and col.5, lines 36-46; note set-top box 24 is the retransmission equipment for receiving the video information and directing the information to the remote viewers' locations, to the television 20 in fig.1) for receiving information transmitted by the transmitter and directing information regarding video images from each of the plurality of cameras to respective channels for remote viewing at viewers' locations, providing channel selectors (col.5, lines 33-35; note element 74 is a channel selector) that permit viewers to select from among the channels, simultaneously operating said cameras during the entertainment event so as to generate a plurality of camera feeds during the event (see fig.2), each feed reflecting a perspective of a respective participant (see fig.2; note each camera from 42-48 reflect a different view of each different respective camera position), transmitting the plurality of feeds to the retransmitting equipment (col.7, lines 13-15; note Matthews teaches that a camera control signal is transmitted via a "communication link"; even though the term "transmitter" is not used but the terms "transmitted" inherently implies that a transmitter must exist for a signal to be transmitted, thus, Matthews must inherently disclose a transmitter for transmitting video information), and retransmitting the feeds to said channels, such that a viewer is allowed to select from a plurality of said channels (col.5, lines 33-35; note element 74 is a channel selector) to thus enable viewing of the sporting event through the perspective of one or more participants of greatest interest to the particular viewer.

Although Matthews may not appear to disclose the teaching of seeing perspectives of all participants, however Matthews suggests that the system can be

Art Unit: 2613

used in any sporting event (col.5, lines 25-27). Auto racing is considered a sporting event. Also, the system disclosed by the applicant is reminiscent from the real NASCAR scene, which is simulated by NASCAR 95 (video game), where cameras are installed on race cars which give the perspective of the participants. Therefore, it would have been obvious for one of ordinary skill in the art to place cameras at sporting event participants for obtaining video images so as to entertain and satisfy the viewing audience, as evidenced by the NASCAR, NASCAR 95 (ie. video game).

Further, the NASCAR video game manual by Papyrus Design Group teaches, on page 23 in the paragraph subheading "Arcade Driving", that the stock car driver can switch viewing modes or viewing angles by pressing a button F10 to alternate from the "cockpit view" to the "Arcade Telephoto view", then to the "Arcade Wide view", and finally back to the "cockpit view". Furthermore, the NASCAR video game manual by Papyrus Design Group discloses, on page 23 in the paragraph subheading "The Instant Replay", that each race car can have onboard cameras equipped along with other television cameras outside the car, and also replays can be seen from any car upon demand so that when there are 40 cars on the track, then one can have over three-hundred replay angles to choose from for viewing. Again it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Matthews and the NASCAR video game manual by Papyrus Design Group for permitting the display of multiple angles and views into the broadcasting of the live NASCAR racing event so as to provide the viewer with as many exciting and thrilling

realistic views of the NASCAR racing event to experience. Doing so would totally pique the viewer's attention and give the NASCAR ambience and feel to the viewer's home.

Note claim 14 has similar corresponding elements.

As for claim 5, 6, 10 and 12, Matthews discloses that the camera feed is generated for all participants (see fig.2; note cameras 42-48 obtain images from various locations) and that the images selected by the viewer can be viewed on a display monitor screen (fig.1, 22).

Regarding claim 4, although Matthews may not appear to mention the transmission of video information by way of the Internet, it would have been obvious to one of ordinary skill in the art to use the Internet for conveniently viewing video information on a computer when one does not have a television available.

Regarding claim 13, although Matthews may not appear to mention that the interactive television system can be used in a race car competition, Matthews suggests that the interactive television system can be used for numerous sporting events, Matthews decides to use baseball as an example of how the his interactive television system can be implemented. Therefore, one of ordinary skill in the art would obviously take Matthew's teaching of interactive television system and use it into a race car competition scene for providing an amazing and thrilling experience for race car audiences, especially since the NASCAR video game is a simulation of the real thing.

Claims 2, 3, 7-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews (5,600,368) and Papyrus Design Group of the NASCAR video game manual and in view of Vancelette (5,894,320).

As for claim 2, Matthews does not mention the use of audio information that accompanies the video information, however Vancelette teaches that the viewer can listen to an audio feed of the sporting event's participants (col.5, lines 42-47). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Matthews and Vancelette for allowing the viewer to experience the participant's perspective and provide a sense of realism.

Regarding claim 3, Matthews discloses a cable system (see fig.4) is used, but Matthews does not appear to mention transmitting video information by way of pay-per-view television system, however Vancelette teaches the use of pay-per-view (col.7, lines 63-65). It would have been obvious to one of ordinary skill in the art to use pay-per-view television system for providing the viewer a plurality of viewing options for viewers' convenience. Also, it is obvious and inherent that all cable companies have pay-per-view services for viewers' viewing pleasure and accessibility.

As for claims 7 and 8, Matthews does not appear to mention having advertisements in his interactive television system, however, Vancelette teaches the use of advertisements (col.7, lines 58-67; note the term "marketing scheme" implies advertisements). Therefore, it would have been obvious to one of ordinary skill in the art to use advertisements for providing the viewing audience a glimpse or preview of upcoming events on television so that the viewer can plan ahead on what events to watch.

Regarding claims 9 and 11, Matthews may not appear to disclose the use of gathering viewer's requests for which camera feed of the sporting event is most

Art Unit: 2613

common, however, it is well known to the use of a rating scheme for gathering statistics on what most people watch and which camera feed is the most common (col.7, lines 65-67 to track ratings and views likes and dislikes (Official Notice). Therefore, it would have been obvious to one of ordinary skill in the art to track viewer selections for obtaining a full and complete report on what the viewers like and dislike on television.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jain et al. discloses a machine dynamic selection of one video camera/image of a scene from multiple video camera/images of the scene in accordance with a particular perspective on the scene, an object in the scene, or an event in the scene and even suggests use of such a system at an auto race in col.14.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Art Unit: 2613

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Allen Wong
Examiner
Art Unit 2613

AW
October 30, 2003

A handwritten signature in cursive script that reads "Allen MacDonald".

ALLEN R. MACDONALD
DIRECTOR
TECHNOLOGY CENTER 2000